IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

RP.No. 983 of 2006(D)

AGAINST THE JUDGEMENT/ORDER IN WPC.14946/2006 Dated 12/06/2006

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: REVIEW PETITIONER/PETITIONER:

M.A.J. HOSPITAL,
REPRESENTED BY ITS DIRECTOR, EDAPPALLY.

BY ADV. SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN

RESPONDENTS: RESPONDENTS:

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1. DR.S. PHEBE,
34/1615, EDAPPALLY JUNCTION, PIN-682 024.

2. THE CONTROLLING AUTHORITY UNDER THE
PAYMENT OF GRATUITY ACT AND DIST.LABOUR OFFICER,
ERNAKULAM.

BY GOVERNMENT PLEADER
SRI.AJITH PRAKASH

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

RP No. 983 of 2006
in
WP(C) 14946 of 2006

Dated, this the 2nd day of April, 2007

O R D E R

Review is filed stating that the facts based on which judgment is rendered are incorrect. The learned counsel for the review petitioner has relied on Annexure A1 series of receipts, which shows that hospital has not provided any rent free accommodation to the 1st respondent. On the other hand, 1st respondent was given house on rent by the Church and therefore rent allowance separately paid should not be treated as salary for the purpose of payment of gratuity. In the circumstance, review is allowed vacating the judgment and restoring the WP(C).

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg